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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/533,236

03/22/2000

Richard L. Miller Jr.

SKY-001

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04/05/2004

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EXAMINER

CROSLAND, DONNIE L

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 04/05/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/533,236

Applicant(s)

MILLER JR. ET AL.

Examiner

DONNIE L. CROSLAND

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. **Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet"** and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

The drawings were received on 12-29-03. These drawings are not approved since they do not conform to the rules as stated above.

Claim Rejections - 35 USC § 112

Claims 18-27 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are what structure or apparatus is receiving the FOB generated signal. Where is the "receiving" taking place?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Stadler and Simms et al, newly cited.

Joao shows a vehicle theft deterrent system adapted for cooperation with a security service provider and including a vehicle theft deterrent device which includes a vehicle interface module 11, a two way communication module 3, 3A, 4A, a controller 4

configured to generate a signal in the two way communication device 3, 3A to a security service provider 510 in response to the vehicle interface module detecting 11 one of a vehicle component activation such as conventional anti theft and theft deterrent systems, col.4, lines 40-61 and col. 35, lines 26-34 and figure 5B.

Joao fails to specify the security system as being activated by the detection of one of dome light and ignition activation.

Stadler shows the method and apparatus for deterring vehicle theft and includes the detection of one of a dome light current through sensor 108 (col. 4, lines 8-13) and an ignition activation detection sensor 108 (col. 3, lines 20-26) through a vehicle interface module 102, and sending a signal from a pager transmitter to a pager service provider which then contacts the owner through the page, col. 5, lines 38-47.

It would have been obvious to one having ordinary skill in the art to activate the alarm controller 4 of Joao in response to the security system being activated by detecting one of a dome light and ignition activation because the specific use of a controller being activated by the detection of a dome light and ignition action is suggested by Stadler.

Patentability is not involved in using conventional detectors of one security system such as Stadler in another security system such as Joao.

Any advantages realized are those naturally expected due to the substituted sensors.

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Joao fails to set forth a key FOB configured to communicate with the two-way communication module a send a signal indicating a medical emergency or a police emergency.

Newly cited Simms provides for a key FOB in the form of remote panic unit 10 and key 36 held by user 10 in figure 1 in communication with the two way communication module 30 for communicating medical or police (emergency) information to a service provider 40 in figure 1, see col. 5, lines 34-65, col. 7, lines 25-52.

It would have been obvious to one having ordinary skill in the art to employ a key FOB for emergency communication (police or medical) in the two way communication module of Joao because the specific use of such emergency transmission in a two way communication module employed in a vehicle is clearly suggested by Simms.

Any advantages are those realized due to the use of a conventional FOB for emergency communication as evidenced in Simms.

With respect to claim 2, Vehicle disablement is realized in each reference, element 132 in Stadler and fuel pump and ignition in figure 5B of Joao.

With respect to claim 3, Joao provides for the transmission of vehicle-monitored data such as vehicle parameters, col. 24, lines 4-15. It is submitted that vehicle velocity data is realized as the other vehicle operation and/or system function as suggested by Joao.

It would have been obvious to one having ordinary skill in the art to provide an accelerometer module for velocity measurement in Joao system since such is

considered conventional form of velocity measurement as another vehicle system function, see col. 1, lines 39 et seq., and col. 2, lines 1-23 of Joao.

The skilled artisan recognizes that velocity information can be obtained from the transmitted GPS data.

With respect to claim 4, note the position-locating device 13 in figure 5B of Joao.

With respect to claims 5, 10, 13 and 14, see pager control in col. 30, lines 23-37 of Joao.

With respect to claims 6, 7, 11, 12, 21, 23, 26, and 27, Joao clearly provides for ignition deactivation in figure 5B. The deactivation of such with respect to vehicle velocity information would not involve patentable invention since the artisan recognizes the conventionality of system deactivation based on vehicle speed. The error margin is clearly within the skill of the artisan and would be obvious.

With respect to claims 8 and 9, controller for flashing the vehicle lights, col. 22, lines 45-49 of Joao, Again, the activation with respect to vehicle velocity is obvious.

With respect to claim 15, see col. 66, lines 49-51.

With respect to claim 16, such is a conventional security system 11 of Joao, col. 35, and lines 21-35.

With respect to claim 17, the recited airbag falls in the category of equipment 11, col. 24.

In claim 19 the periodic transmission of data would not involve patentable invention since it is within the capabilities of the skilled artisan to either interrogate for data or periodically send the data from the remote to the central.

With respect to claim 20, see col. 22, lines 33-49 of Joao.

With respect to claims 22 and 24, such is clearly taught by Joao.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

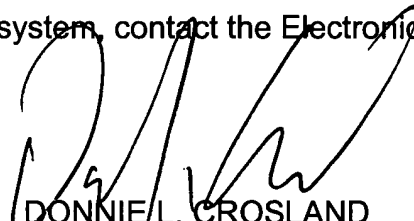
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFSSASS can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DONNIE L. CROSLAND
Primary Examiner
Art Unit 2636

Dlc
3-31-04